



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of social and Health Services, Medicaid Purchasing Administration

Subject of possible rule making:

WAC 388-501-0180 through WAC 388-501-0184.

Statutes authorizing the agency to adopt rules on this subject:

RCW 74.04.057, 74.08.090, and 74.09.510

Reasons why rules on this subject may be needed and what they might accomplish:

- Amend WACs to comply with Section 6505 of the Affordable Care Act of 2010, which prohibits State Medicaid agencies from making payments to institutions or entities located outside of the United States for healthcare services furnished to medical assistance clients out-of-country. Clarify that payment to providers who have furnished such services may be made to financial institutions or entities located within the U.S.
- Correct subsections (3) and (4) of WAC 388-501-0184 to read as follows: "For those medical assistance clients identified in subsection (2) of this section,"

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Coordination with the Centers for Medicare and Medicaid Services (CMS) is accomplished through the State Plan Amendment (SPA) process.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study

☒ Other (describe) Inform providers and other stakeholders of the change(s) in federal law. These policy changes are final. The department has to implement them or risk loss of federal matching funds. Implementation requires the department to submit a State Plan Amendment (SPA) and make necessary changes to WAC. DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule-making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE

February 11, 2011

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SIGNATURE

TITLE

DSHS Rules Coordinator

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
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